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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/563,642 11/28/95 JOSEPH

A 1151-002

EXAMINER

CARTER, R

ART UNIT

PAPER NUMBER

4

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33M1/0703

3211

DATE MAILED:

07/03/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ day(s) from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ \_\_\_\_\_

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1 - 11 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.

3. ☐ Claims \_\_\_\_\_ are allowed.

4. ☒ Claims 1 - 11 are rejected.

5. ☐ Claims \_\_\_\_\_ are objected to.

6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

**EXAMINER'S ACTION**

Serial Number: 08/563642

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Art Unit: 3311

#### **DETAILED ACTION**

1. Claims 1-11 are rejected under 35 U.S.C. § 103 as being unpatentable over Oka et al., and further in view of Rossi. Oka discloses a medical communication system comprising means for entering, storing, and retrieving patient treatment information. Rossi discloses a method and apparatus for anticipating side effects manifested in a patient, comprising the step of comparing a measured bodily rating to a predetermined delimiting range. An alarm is triggered if the rating falls out of the delimiting range, so that counter measures can be taken to prevent further trauma of the patient. Such counter measures may be dialysis machine adjustments and staff intervention. It is asserted by the Examiner that if the counter measures taken by the staff were not sufficient to prevent further trauma, the alarm will continue to be activated so as to express to the staff the need to improve its adjustments. It would have been obvious to one skilled in the art to combine the comparison and alarm means of Rossi with the system of Oka, in order to improve the versatility of the Oka system. It also would have been obvious to one skilled in the art to use the obvious combination as a means for detecting chest pain, since such pains as headache, nausea, and vomiting are disclosed in Rossi.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,400,792 issued to Hoebel et al.

U.S. Patent No. 5,441,047 issued to David et al.

Any inquiry concerning this communication should be directed to Ryan Carter at telephone number (703) 308-2990.

*Angela D. Sykes*

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